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November 20, 2015

VIA ECF:

The Honorable Colleen McMahon
United States District Judge
United States District Court, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Courtroom 17C
New York, New York 10007-1312

Re: Stanacard v. Rubard, Civ No. 1:12-cv-05176-CM-MHD

Dear Judge MacMahon,

This office represents Defendant Aleksandr Palatkevich in the above-referenced litigation. His motion for partial summary judgment is among the two that are before this Court relating to the other claims in this action besides patent infringement (Rubard Defendant's motion being the other). We write in response to the inquiry by this Court yesterday regarding those other claims.

We agree and align ourselves with the letter that the Paudino & Weintraub firm submitted yesterday (ECF doc. #246) in response to Your Honor's inquiry, particularly that the complaint in this action is premised entirely on the alleged use of the methods or procedures for routing long distance phone calls as described in the '156 patent.

Those remaining claims of the complaint against Mr. Palatkevich – namely, copyright infringement, unfair competition and misappropriation of trade secrets, breach of contract, breach of duties, unfair competition and misappropriation of trade secrets under the Delaware Uniform Trade Secrets Act – each merit dismissal on legal grounds independent of the decision of this Court on Wednesday (#244).

Our motion for partial summary judgment (##197, 204-206, 239) sets forth those legal grounds. The breach of duties claims against Mr. Palatkevich that we do not address in our partial summary judgment motion similarly merits dismissal on the same grounds as the Rubard Defendants assert in their motion. Those claims against Mr. Palatkevich cannot stand separate and apart from the others that we contest in our summary judgement motion.

Respectfully submitted,

/s/
Leonard M. Kohen, Esq.

Cc: All counsel of record (via ECF)